

Central Valley Regional Water Quality Control Board

17 July 2014

James G. and Amelia M. Sweeney (owner/operator)
Sweeney Dairy
30712 Road 170
Visalia, CA 93292

CERTIFIED MAIL
7013 2250 0002 0464 4468

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2014-0543 FOR SWEENEY DAIRY, WDIID 5D545155N01, 30712 ROAD 170, VISALIA, TULARE COUNTY

Enclosed is an Administrative Civil Liability Complaint (Complaint), issued pursuant to California Water Code (Water Code) section 13268, for violations of the Reissued Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order R5-2013-0122 (Reissued General Order), which replaces the Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order R5-2007-0035 (2007 General Order). The Complaint charges James G. and Amelia M. Sweeney (Discharger) with civil liability in the amount **eighteen thousand five hundred and sixty-four dollars (\$18,564)**, which represents a penalty assessment that is based on a consideration of the failure to respond to requests made pursuant to Water Code section 13267(b) for technical reports.

Pursuant to Water Code section 13323, the Discharger may:

- Pay the assessed civil liability and waive its right to a hearing before the Central Valley Water Board by signing the enclosed waiver (checking off the box next to item #3) and submitting it to this office by **11 August 2014**, along with payment for the full amount; the amount of the assessed administrative liability (\$18,564) will be reduced provided the Discharger responds to the request for technical reports by **11 August 2014**;
- Waive the right to a 90-day hearing and agree to enter into settlement discussions with the Central Valley Water Board and request that any hearing on the matter be delayed by signing the enclosed waiver (checking off the box next to item #4) and submitting it to this office by **11 August 2014**; or
- Waive the right to a 90-day hearing in order to extend the hearing deadlines (checking off box next to item #5).

If the Discharger chooses to sign the waiver and pay the assessed civil liability, this will be considered a tentative settlement of the violations in the Complaint. This settlement will be considered final pending a 30-day period of public notice, during which time interested parties may comment on this action by submitting information to this office, attention Dale Essary. Should the Central Valley Water Board receive new information or comments during this comment period, the Central Valley Water Board's Executive Officer may withdraw the Complaint, return payment, and issue a new complaint.

If the Central Valley Water Board does not receive a signed waiver **by 11 August 2014**, then a hearing on this matter will be scheduled for the **9/10 October 2014** regular meeting of the Central Valley Water Board to be held at 11020 Sun Center Drive, Suite 200, in the City of Rancho Cordova, California, 95670. If a hearing on this matter is held, the Central Valley Water Board will consider whether to issue, reject, or modify an Administrative Civil Liability Order based on the enclosed Complaint, or whether to refer the matter to the Attorney General for recovery of judicial civil liability. Modification of the proposed Administrative Civil Liability Order may include increasing the dollar amount of the assessed civil liability. Specific notice about this hearing and its procedures are enclosed with this Complaint.

Payment of this assessed civil liability amount (\$18,564) does not absolve the Discharger from complying with the Reissued General Order, the terms of which remain in effect. Additional civil liability may be assessed in the future if the Discharger fails to comply with the Reissued General Order in a timely manner.

If you have any questions or comments regarding the Administrative Civil Liability Complaint, please contact Dale Essary at (559) 445-5093.



CLAY L. RODGERS
Assistant Executive Officer

Enclosure: Administrative Civil Liability Complaint R5-2014-0543
Hearing Procedures for Administrative Civil Liability Complaint R5-2014-0543

cc w/encl: Mr. Andrew Altevogt, Central Valley Water Board, Rancho Cordova
Ms. Naomi Kaplowitz, Office of Enforcement, SWRCB, Sacramento
Mr. David Boyers, Office of Enforcement, SWRCB, Sacramento
Tulare County Health & Human Services Agency, Environmental Health, Visalia
Tulare County Resource Management Agency, Code Compliance, Visalia